

REMARKS

Claims 9-17 and 19-28 are pending. Claim 14 was rejected under 35 USC 112 first paragraph. Claims 9-14, 17, and 23-28 were rejected under 35 USC 102(b) as being anticipated by US patent 5,892,939 (Call et al.). Claims 15, 16, and 19-22 were rejected under 35 USC 103(a), as being unpatentable over Call in view of US patent 6,445,963 (Blevins et al.).

Claims 9, 12-14, 25 and 27 are amended herein. No new matter is added, and the subject matter is not changed. Claims 9-17 and 19-28 are presented for examination in view of the following arguments.

Response to rejections under 35 USC 112

Claim 14 is amended per page 7, lines 12-14 of the specification.

Claim amendments

The following elements are clarified in the claim amendments herein.

- A "field device" is an industrial automation device that measures, positions, records or regulates an industrial process (par. 3, lines 1-3).
- A "program module" in a field device is described in the specification as firmware 11 (par. 31, line 3) or as software (par. 35, line 4). In either case it is "executable" (abstract, lines 13-15).

Response to rejections under 35 USC 102

The present invention as claimed is a generation device or method in which a field device automatically generates executable program modules. An example of the method is shown in FIG 6. Generation is done automatically in the field device as claimed and described. Call does not teach anything like this. Call does not automatically generate program modules.

Call teaches an emulator program that executes on a second computer to emulate the operation of a replaced computer. Call's emulator executes in an operator workstation 305 (FIGs 4A1-4B), to provide the same user interface as in a previous operator workstation 150 (FIG 1). It does not execute in a field device. Field devices are not even shown or numbered in Call (see "not shown" stated in par. 7, line 25). Furthermore, Call never teaches that his emulator, or any executable program module, is automatically generated.

Examiner asserts that since all software performs an automatic function, all software therefore generates other software. This is not a logical conclusion. Most software does not generate other software. For example, a word processor is software that formats a document. Software written by a programmer is manual created, not automatically generated.

Examiner asserts that Call teaches a variety of field devices. Field devices (not shown) are merely mentioned in the cited lines, but they are never described as executing any part of Call's emulator program, much less automatically generating any executable program module that operates the field device.

Examiner asserts that Call teaches generation of a declaration module because computers are known to use floating point numbers. However, the claims recite automatic generation of a declaration module by the field device, which is not taught by Call. Declarations are normally coded manually in software by a programmer, and Call does not teach otherwise.

Examiner asserts that Call teaches generation of an access module because plant control networks are known to supervise physical modules. However, the claims recite automatic generation of an access module by the field device, which is not taught by Call. Access software is normally coded manually by a programmer, and Call does not teach otherwise.

Examiner asserts that Call teaches generation of a naming module because computers are known to use file names. However, the claims recite automatic generation of a naming module by the field device, which is not taught by Call.

Response to rejections under 35 USC 103

Blevins does not address the above deficiencies of Call as to the independent claims and others. The dependent claims should be allowed as containing all the limitations of a respective allowable base claim in addition to other limitations.

Conclusion

For anticipation under 35 USC 102, a reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (MPEP 706.02(a) IV). The identical invention must be shown in as complete detail as recited in the claim, and the elements must be arranged as required by the claim (MPEP §2131). These criteria are not met by Call.

M.P.E.P. 2143.03 provides that to establish prima facie obviousness of a claimed invention, all words in a claim must be considered in judging the patentability of that claim against the prior art. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. Blevins does not address the deficiencies of Call as to the independent claims and others as argued above.

Accordingly, Applicants request withdrawal of the 35 USC 102 and 103 rejections. Applicants feel this application is in condition for allowance, which is respectfully requested.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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